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February 25, 2020

MEMO ENDORSED

VIA ECF
Hon. Barbara Moses, U.S.M.J.
United States Courthouse
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

RE: Letter Motion to Compel for Payment for Publication Ordered by the Judge

18-cv-11905 *YUAN et al. v. & HAIR LOUNGE INC., et al.*

Dear Hon. Moses,

Plaintiffs submit this proposed judgment for the court to be so-ordered to publish an abbreviated version of the Notice, as a quarter page ad in the A Section in the Northeast Region-NY Metropolitan edition of *World Journal* on one weekend day and one weekday day on or before February 11, 2019. *See Dkt. No. 86* dated January 14, 2020.

On January 23, 2020, after complying with the Judge's order and publishing in *World Journal* on one weekend day and one weekday day, Plaintiffs promptly sent to Defendants the invoice in the amount of \$1,500 from World Journal and requested reimbursement. *See Exhibit 1.*

On January 23, Defendants replied that they would not reimburse the money alleging that we did not comply with the order, because the two charges of \$750 reflect a cheaper weekday rate. We already explained that the cheaper cost is but a courtesy because World Journal charges the regular rate, but as publication was done on a Wednesday and Sunday it complies with the Court order.

On January 27, 2020, Plaintiffs sent a remainder email to Defendants' counsel again requesting reimbursement for the publication costs. Due to Defendants' rejection to pay the publication cost, Plaintiffs have no choice but to seek court intervention in this matter. For the foregoing reasons, Plaintiffs respectfully submit the proposed judgment attached to this letter as Exhibit 2. and, Plaintiffs respectfully request this Court to approve the proposed judgement against Defendants.

We thank the Court for its time and attention in this matter.

Respectfully submitted,

TROY LAW, PLLC

/s/ John Troy

JT/sm

cc: via ECF

all counsel of record

Application DENIED without prejudice. Plaintiffs cite no authority, and the the Court is aware of none, permitting it to enter an interlocutory money judgment based on unsworn allegations, contained in a letter from counsel, that defendants have not yet reimbursed plaintiff's costs in connection with the publication of a collective action notice. *See Fed. R. Civ. P. 54.* If plaintiffs are unable to persuade defendants to comply with ¶ 4 of my Order dated January 14, 2020 (Dkt. No. 86), they may file a properly supported motion pursuant to Fed. R. Civ. P. 16(f) or any other applicable rule or statute. Defendants are advised that Rule 16(f) permits this Court to award sanctions for failure to obey a pretrial order issued by this Court, including a monetary fine and/or the attorneys' fees and costs incurred by plaintiffs because of the noncompliance. SO ORDERED.



Barbara Moses, U.S.M.J.

February 27, 2020